

MARKESHA PERKINS (“Plaintiff”), by her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against CENTRAL CREDIT SERVICES (“Defendant”):

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") and the Telephone Consumer Protection Act, 47 U.S.C. §227 *et seq.* ("TCPA").

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

3. Defendant conducts business in the State of Illinois, therefore personal jurisdiction is established.

- 1 -

PARTIES

5. Plaintiff is a natural person residing in University Park, Illinois.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

7. Defendant is a national debt collection company with corporate headquarters located at 9550 Regency Square Blvd., Suite 602, Jacksonville, FL 32225.

8. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. At all relevant times, Defendant was attempting to collect an alleged consumer debt from Plaintiff.

11. The alleged debt that Defendant attempted to collect arose from transactions, which were primarily for personal, family, or household purposes.

12. From May 2012 until June 2012, Defendant’s collectors, including Ed Stone, placed repeated harassing telephone calls to Plaintiff on her cellular telephone.

13. Defendant’s harassing calls originated from numbers including, but not limited to (866) 394-2696. The undersigned has confirmed that these numbers belong to Defendant.

14. Defendant placed daily calls to Plaintiff’s telephone number.

15. Plaintiff advised Defendant that she wanted to confer with her attorney about her legal rights concerning the debt and to stop calling.

16. Despite this request, and knowledge that Plaintiff was working with counsel, Defendant continued to call.

1 17. Upon information and belief, Defendant used an automatic telephone dialing
2 system or pre-recorded or artificial voice.

3 18. Plaintiff did not expressly consent to Defendant's placement of telephone calls to
4 her cellular telephone by the use of an automatic telephone dialing system or a pre-recorded or
5 artificial voice prior to Defendant's placement of the calls.

6 19. Defendant did not consult with its client at any time before making calls to
7 Plaintiff to determine if there was express consent to call his cellular telephone.

8 20. Defendant's telephone calls were not placed for "emergency purposes," as
9 specified in 47 U.S.C. §227(b)(1)(A).

10 21. Defendant took the above actions with the intent to harass, abuse, and annoy
11 Plaintiff.
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14 **COUNT I**
15 **DEFENDANT VIOLATED § 1692d OF THE**
16 **FAIR DEBT COLLECTION PRACTICES ACT**

17 22. Section 1692d of the FDCPA prohibits debt collectors from engaging in any
18 conduct the natural consequence of which is to harass, oppress or abuse any person in connection
19 with the collection of a debt.

20 23. Defendant violated § 1692d of the FDCPA when it called Plaintiff repeatedly with
21 intent to annoy and harass Plaintiff, when it called Plaintiff after her request that calls cease and
22 that she wanted to consult legal counsel, and when it engaged in other harassing or abusive
23 conduct.
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1 loss from such a violation, or to receive \$500 in damages for each such violation, whichever is
2 greater.”

3 30. Despite the fact that Plaintiff never consented to Defendant making calls to her
4 cellular telephone, Defendant repeatedly placed non-emergency calls to Plaintiff’s cellular
5 telephone without Plaintiff’s consent.

6 31. The Act also authorizes the Court, in its discretion, to award up to three (3) times
7 the actual damages sustained for violations.

8 32. Here, upon information and belief, Defendant repeatedly and regularly placed
9 non-emergency, automated calls to Plaintiff’s cellular telephone, using a pre-recorded or
10 artificial voice.

11 33. Defendant called Plaintiff on her cellular telephone dozens of times.

12 34. Defendant did not have Plaintiff’s express consent prior to contacting her on her
13 cellular telephone using an automatic telephone dialing system or pre-recorded or artificial voice.

14 35. Defendant’s conduct violated §227(b)(1)(A)(iii) of the TCPA by making any call
15 using any automatic telephone dialing system or an artificial prerecorded voice to a telephone
16 number assigned to a home telephone service.

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19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff, MARKESHA PERKINS, respectfully prays for a judgment as
21 follows:

- 22 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
23 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to
24 15 U.S.C. § 1692k(a)(2)(A);
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- 1 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
2 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
3 d. Statutory damages of \$500.00 for each violation of the TCPA, pursuant to 47
4 U.S.C. §227(c)(5)(B); and
5 e. Any other relief deemed appropriate by this Honorable Court.
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7 **DEMAND FOR JURY TRIAL**

8 PLEASE TAKE NOTICE that Plaintiff, MARKESHA PERKINS, demands a jury trial in
9 this case.
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11 DATED: 05/10/13

KIMMEL & SILVERMAN, P.C.

12 By: /s/ Amy L. Bennecoff

13 Amy L. Bennecoff

14 Attorney for Plaintiff

Kimmel & Silverman, P.C.

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